

# CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

*Only for Continuation or Divisional Application under 37 CFR §1.53(d)*

<b>Address to:</b>  Assistant Commissioner for Patents Box CPA Washington, DC 20231 Art Unit: 1646 Examiner: D. Jiang	Attorney Docket No.	GILLISPIE=1
	First Named Inventor	GILLISPIE et al.
	Total Pages	70
	Date	January 15, 2003

RECEIVED  
JAN 21 2003  
TECH CENTER 1600/2900

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR §1.53(d), (continued prosecution application (CPA)) of prior application number 09/030,061, filed on February 25, 1998, entitled OSTEOCLASTGENIC INHIBITORY AGENT

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR §1.116 in the prior non-provisional application.
2. ☒ A preliminary amendment is enclosed.  
☒ Any additional fee required by the filing of the enclosed preliminary amendment has been calculated in the table below.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR §1.53(d)(4).  
☐ **DELETE** the following inventor(s) named in the prior non-provisional application:  
 \_\_\_\_\_  
☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☒ A terminal disclaimer and fee \$130.00 is enclosed.
5. ☐ Information Disclosure Statement (IDS) is enclosed:  
☐ PTO-1449  
☐ Copies of IDS citations
6. ☒ It is understood that no Information Disclosure Statement for prior art made of record in the parent application is necessary as the PTO automatically carries forward into this application all prior art from the parent application (MPEP Section 609, page 600-66).

01/16/2003 MGE:REM1 00000038 09030061  
01 FC:1801 750.00 OF

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
Total Claims (37 CFR §1.16(c))	8 - 20	= 0	x 18.00 =	\$ .00
Independent Claims (37 CFR §1.16(b))	1 - 3	= 0	x 84.00 =	.00
Multiple Dependent Claims (if applicable) (37 CFR § 1.16(d))			+ 280.00 =	.00
BASIC FEE (37 CFR §1.16(a))				750.00
Total of Above Calculations =				\$ 750.00
REDUCTION BY 50% FOR FILING BY SMALL ENTITY (Note 37 CFR §§ 1.9, 1.27, 1.28)				
<b>TOTAL =</b>				<b>\$ 750.00</b>

01/16/2003 MGE:REM1 00000038 09030061

01/16/2003 MGE:REM1 00000038 09030061

01/16/2003

750.00 OF

7. ☐ Small Entity Status: Applicant(s) claim small entity status. See 37 C.F.R. §1.27.

8. ☒ It is hereby petitioned for an extension of time in accordance with 37 CFR §1.136(a). The appropriate fee required by 37 CFR §1.17 is calculated as shown below:

Small Entity

Response Filed Within

☐ First - \$ 55.00  
☐ Second - \$ 205.00  
☐ Third - \$ 465.00  
☐ Fourth - \$ 725.00

Month After Time Period Set

☐ Less fees (\$ ) already paid for \_\_\_\_ month(s) extension of time on \_\_\_\_.

Other Than Small Entity

Response Filed Within

☐ First - \$ 110.00  
☐ Second - \$ 410.00  
☒ Third - \$ 930.00  
☐ Fourth - \$ 1450.00

Month After Time Period Set

9. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. §103(c) for a period of \_\_\_\_ months. (Period of suspension shall not exceed three months.) Fee under 37 C.F.R. §1.17(i) required.

10. ☐ A check in the amount of \$ \_\_\_\_ is enclosed (Check No. \_\_\_\_).

11. ☒ Credit Card Payment Form, PTO-2038, is attached, authorizing payment in the amount of \$1,810.00.

12. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 02-4035:

☒ Fees required under 37 CFR §1.16.

☒ Fees required under 37 CFR §1.17.

☐ Fees required under 37 CFR §1.18.

13. ☒ If a paper is untimely filed in this or any CPA thereof by Applicant(s), the Commissioner is hereby petitioned under 37 CFR §1.136(a) for the minimum extension of time required to make said paper timely. In the event a petition for extension of time is made under the provisions of this paragraph, the Commissioner is hereby requested to charge any fee required under 37 CFR §1.17 to Deposit Account No. 02-4035.

14. ☐ Other: \_\_\_\_\_  
\_\_\_\_\_

BROWDY AND NEIMARK  
Attorneys for Applicant(s)

By: \_\_\_\_\_

ALLEN C. YUN  
Registration No. 37,971

Telephone: (202) 628-5197  
Facsimile: (202) 737-3528  
624 Ninth Street, NW, Suite 300  
Washington, D.C. 20001-5303

☒ Attorney or Agent of record in prior case

☐ Filed under 37 CFR §1.34(a)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Application of:	)	Art Unit: 1646
Matthew Todd GILLISPIE et al.	)	Examiner: D. Jiang
Serial No.: 09/030,061	)	Washington, D.C.
Filed: February 25, 1998	)	January 15, 2003
For: OSTEOCLASTGENIC...	)	Docket No.: GILLISPIE=1
Confirmation No. 6893	)	

PRELIMINARY AMENDMENT

Honorable Commissioner of Patents  
Washington, D.C. 20231

Sir:

Please amend as follows:

IN THE CLAIMS

Please replace claim 29 with new amended claim 29 as follows below. A marked up version of the amended claim to show the changes made is attached hereto.

29(Amended). An osteoclastgenic inhibitory composition for treating osteoclast-related diseases in a warm-blooded animal in need thereof, which comprises a pharmaceutically-acceptable carrier and, as an effective ingredient, an effective amount of (i) an interleukin-13 comprising the amino acid sequence of SEQ ID NO:6 and a functional equivalent of said interleukin-18, or (ii) said functional equivalent, wherein said functional equivalent is capable of exerting osteoclastgenic inhibitory activity and comprises the amino acid sequence of SEQ ID NO:6,

RECEIVED  
JAN 21 2003  
TECH CENTER 1600/2900